

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ROBERT WHARTON</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Petitioner</b>	:	<b>No. 01-6049</b>
	:	
<b>v.</b>	:	<b>CAPITAL CASE</b>
	:	
<b>DONALD T. VAUGHN,</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of the Pennsylvania Office of Attorney General's Motion for Brief Continuance of Hearing, it is hereby ORDERED that the Motion is GRANTED.

BY THE COURT:

Mitchell S. Goldberg, J.

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	:	
<b>Respondent</b>	:	

**PENNSYLVANIA OFFICE OF ATTORNEY GENERAL’S  
MOTION FOR BRIEF CONTINUANCE OF JUNE 10, 2022 HEARING**

The Pennsylvania Office of Attorney General, through undersigned counsel, respectfully requests that this Honorable Court grant its Motion for Brief Continuance of Hearing and, in support thereof, states as follows:

1. By Memorandum Opinion dated May 11, 2022, this Court denied petitioner’s writ of habeas corpus and expressed its concerns that the Philadelphia District Attorney’s Office possibly breached its duty of candor to the Court in connection with this matter.

2. By Order dated May 13, 2022, this Court scheduled a hearing for June 2, 2022, to address its concerns regarding the District Attorney’s Office’s possible breach of its duty of candor to the Court.

3. This Court directed the parties and Office of Attorney General, as *amicus curiae*, to be present at the hearing on June 2, 2022.

4. The Office of Attorney General had no conflict with the June 2, 2022 hearing date.

5. On May 24, 2022, the District Attorney's Office requested a postponement of the June 2, 2022 hearing so it could secure outside legal counsel for purposes of the hearing.

6. By Order dated May 26, 2022, this Court granted the District Attorney's Office's request for a postponement and rescheduled the hearing to June 10, 2022, at 9:30 a.m.

7. Regrettably, this new date creates a conflict for the Office of Attorney General due a long-previously scheduled event – a child's school graduation ceremony that counsel is obligated to attend. This is one of the only days in the month of June that presents a conflict. Counsel can be available June 13-16, June 20-24, or June 28-July 1.

8. Accordingly, given the Court's desire for the presence of counsel from the Office of Attorney General, counsel respectfully requests a brief continuance to any of these days that is convenient for the Court and counsel.

9. Elizabeth McHugh, Esquire, who will be attending the hearing on behalf of the petitioner, has kindly indicated that she has no objection to the Office of Attorney General's request for a brief continuance of the hearing. In terms of

scheduling, she is not available on June 21, 2022, June 22, 2022, or June 29 to July 1, 2022.

10. Per Paul George, Esquire, the Office of Attorney General has communicated its continuance request to outside legal counsel for the District Attorney's Office (John Summers, Esquire, and David Rudovsky, Esquire). The Office of Attorney General has not yet heard back from counsel.

WHEREFORE, based on the above, the Office of Attorney General respectfully requests that this Honorable Court grant its Motion for Brief Continuance of Hearing.

By: /s/ Cari L. Mahler  
Cari L. Mahler  
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Office of Attorney General  
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610.631.6552  
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Date: May 31, 2022

## **CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused the foregoing Motion for Brief Continuance of Hearing to be served on the following persons via ECF or by first class mail:

Via ECF and/or First Class Mail

Elizabeth McHugh, Esquire  
Claudia Van Wyk, Esquire  
Federal Community Defender Office  
Capital Habeas Corpus Unit  
601 Walnut Street, Suite 545 West  
Philadelphia, PA 19106

Nancy Winkelman, Esquire  
Paul George, Esquire  
Philadelphia District Attorney's Office  
3 South Penn Square  
Philadelphia, PA 19107

By: /s/ Cari L. Mahler  
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Date: May 31, 2022